

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS LESSEY,

Case No.: 08 CIV 3884 (PKC)

Plaintiff,

v.

ANSWER TO COMPLAINT

BROADWAY ELECTRIC;
ANDRE HICKS;
DOES 1-10

Defendants.

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Defendants, Broadway Electric LLC ("Broadway") and Andre Hicks ("Hicks") by their attorneys GOETZ FITZPATRICK LLP, as and for their Answer, upon information and belief, states and alleges as follows:

ANSWERING THE INTRODUCTION

1. Defendants submit this is a statement of law which no response is required but to the extent a response is required, Defendants deny the allegations set forth in Paragraph "1" of the Complaint.

ANSWERING THE JURISDICTION AND VENUE

2. Defendants submit this is a statement of law which no response is required but to the extent a response is required, Defendants deny the allegations set forth in Paragraph "2" of the complaint.

3. Deny the allegations contained in paragraph "3" of the complaint.

4. Deny the allegations contained in paragraph "4" of the complaint.

ANSWERING THE PARTIES

5. Deny knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" of the complaint.

6. Deny the allegations contained in paragraph "6" of the complaint.

7. Defendants submit this is a statement of law which no response is required but to the extent a response is required, Defendants deny the allegations set forth in Paragraph "7" of the complaint.

8. Deny the allegations contained in paragraph "8" of the complaint, except admit that Broadway is a limited liability company engaged in business in the State of New York with an office and place of business in New York.

9. Deny the allegations contained in paragraph "9" of the complaint except admit that Defendant Andre Hicks is employed at Broadway Electric.

10. Deny the allegations contained in paragraph "10" of the Complaint.

11. Defendants submit this is a statement of law which no response is required but to the extent a response is required, Defendants deny the allegations set forth in Paragraph "11" of the complaint.

12. Deny the allegations contained in paragraph "12" of the complaint.

ANSWERING THE FACTUAL ALLEGATIONS

13. Deny the allegations contained in paragraph "13" of the complaint.

14. Deny the allegations contained in paragraph "14" of the complaint

15. Deny the allegations contained in paragraph "15" of the complaint.

16. Deny the allegations contained in paragraph "16" of the complaint.

17. Deny the allegations contained in paragraph "17" of the complaint.

18. Deny the allegations contained in paragraph "18" of the complaint.

19. Deny the allegations contained in paragraph "19" of the complaint.

20. Deny the allegations contained in paragraph "20" of the complaint.

21. Deny knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph "21" of the complaint.

22. Deny the allegations contained in paragraph "22" of the complaint.

23. Deny the allegations contained in paragraph "23" of the complaint.

24. Deny the allegations contained in paragraph "24" of the complaint.

25. Defendants submit this is a statement of law which no response is required but to the extent a response is required, Defendants deny the allegations set forth in Paragraph "25" of the complaint.

ANSWERING THE FIRST CAUSE OF ACTION

26. In response to paragraph "26" of the complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "25" herein.

27. Deny the allegations contained in paragraph "27" of the complaint.

ANSWERING THE SECOND CAUSE OF ACTION

28. In response to paragraph "28" of the Complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "27" herein.

29. Deny the allegations contained in paragraph "29" of the complaint.

ANSWERING THE THIRD CAUSE OF ACTION

30. In response to paragraph "30" of the Complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "29" herein.

31. Deny the allegations contained in paragraph "31" of the complaint.

ANSWERING THE FOURTH CAUSE OF ACTION

32. In response to paragraph "32" of the Complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "32" herein.

33. Deny the allegations contained in paragraph "33" of the complaint.

ANSWERING THE FIFTH CAUSE OF ACTION

34. In response to paragraph "34" of the complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "33" herein.

35. Deny the allegations contained in paragraph "35" of the complaint.

ANSWERING THE SIXTH CAUSE OF ACTION

36. In response to paragraph "36" of the Complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "35" herein.

37. Deny the allegations contained in paragraph "37" of the complaint.

ANSWERING THE SEVENTH CAUSE OF ACTION

38. In response to paragraph "38" of the Complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "37" herein.

39. Deny the allegations contained in paragraph "39" of the complaint.

ANSWERING THE EIGHTH CAUSE OF ACTION

40. In response to paragraph "40" of the complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "39" herein.

41. Deny the allegations contained in paragraph "41" of the complaint.

ANSWERING THE NINTH CAUSE OF ACTION

42. In response to paragraph "42" of the complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "41" herein.

43. Deny the allegations contained in paragraph "43" of the complaint.

ANSWERING THE TENTH CAUSE OF ACTION

44. In response to paragraph "44" of the complaint, Defendants repeat and reallege each and every answer to the allegations contained in paragraphs "1" through "43" herein.

45. Deny the allegations contained in paragraph "45" of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

46. The complaint fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

47. All of the actions taken by defendants were made for legitimate, non-discriminatory and non-retaliatory reasons in the proper exercise of their independent business judgment.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

48. Defendants at no time acted willfully or maliciously in disregard of plaintiff's constitutional rights or rights under the New York City Administrative Code, and plaintiff is therefore not entitled to punitive damages.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

49. Plaintiff's request for damages is barred to the extent

he has failed to mitigate his damages.

WHEREFORE, the defendants demand judgment dismissing the complaint with prejudice, together with costs and disbursements and such other and further relief as the Court may deem just and proper.

Dated: New York, New York
June 23, 2008

GOETZ FITZPATRICK LLP

By: 

Michael R. Fleishman (MF 9022)
Attorneys for Defendants
Broadway Electric and Andre Hicks
One Penn Plaza - Suite 4401
New York, New York 10119
Phone: 212-695-8100
Fax No.: 212-629-4013

To: Nkereuwem Umoh, Esq.
Uzoma Eze, Esq.
Attorneys for Plaintiff
255 Livingston Street, 4th Floor
Brooklyn, NY 11217

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AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ALTHEA DORSETT, being duly sworn, deposes and says, deponent is not a party to this action, is over the age of 18 years, and resides in Bronx County, New York. On the 23rd of June, 2008, I served the within ANSWER TO COMPLAINT upon:

Nkereuwem Umoh, Esq.
Uzoma Eze, Esq.
255 Livingston Street, 4th Floor
Brooklyn, NY 11217

by depositing true copies of same in a properly addressed postpaid envelope in an official depository of the United States Postal Service within the State of New York.



ALTHEA DORSETT

Sworn to before me this
23rd day of June, 2008



Notary Public

MAXINE RAND
Notary Public, State of New York
No. 01RA4844958
Qualified in Nassau County
Commission Expires Nov. 30, 2009